IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO: 3451 of 2005

Between:

B. Gnaneshwar Goud, S/o Late Sattaiah Goud,
R/o 2-2-1017, Amberpet, Hyderabad - 500 013.

... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Rep. by its

Commissioner, Hyderabad.
2 Dr. S. Ananth Kumar, S/o Dr. S. Premdas,
R/o A-50, Journalist Colony, Jubilee Hills, Hyderabad.
3 Municipal Corporation of Hyderabad, Circle-III, Nallakunta,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 1st and 3rd respondents in not initiating any action upon the complaint given by the petitioner against the 2nd respondent illegal construction is illegal, arbitrary and unjust and consequently direct the 1st and 3rd respondents to initiate appropriate action in the deviations and illegal construction initiated by the 2nd Respondent and demolish the same and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstrances of the case.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 and 3: MR.RAMA RAO GHANTA (SC FOR

MUNICIPALITY)

Counsel for the Respondent No.2 : None appeared

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 and 3 on the basis of the complaint of the petitioner dated 27.12.2004 with regard to the alleged unauthorized construction being made by the second respondent in the premises bearing No.1-8-678/3/A of Amberpet, Hyderabad.

Admittedly, the second respondent has filed O.S.No.6861 of 2004 on the file of the X Junior Civil Judge, City Civil Court, Hyderabad with a prayer to restrain the first respondent-Corporation from taking action in respect of the constructions in question and temporary injunction granted on 24.11.2004 in I.A.No.1918 of 2004 in the said suit, is in operation.

Since the issue raised in this writ petition is the subject matter of the suit pending before the competent Civil Court, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for adjudication of the very same issues. It is always open to the petitioner, if he is so advised, to get himself impleaded to the suit and to pursue the matter. No relief as prayed for can be granted in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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24.02.2005

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To

1 The Commissioner, Municipal Corporation of Hyderabad,

Hyderabad.

2 Municipal Corporation of Hyderabad, Circle-III, Nallakunta,

Hyderabad.

3 2 CD copies